

DCJ
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAMION HENRY,

Petitioner,

v.

EVANGELIA A. KLAPAKIS , et al.,
Respondents.

CIVIL ACTION

NO. 08-4496

8
FILED

APR - 2 2009

MICHAEL E. KUNZ, Clerk
By: *[Signature]* Dep. Clerk

ORDER

AND NOW, this *1st* day of *April*, 2009, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, the Response thereto, and after review of the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport, IT IS HEREBY ORDERED that:

1. the Report and Recommendation is APPROVED and ADOPTED;
2. the Petition for Writ of Habeas Corpus is DENIED without prejudice and DISMISSED without an evidentiary hearing; and
3. there is no probable cause to issue a certificate of appealability.

BY THE COURT:

H-309
C. B. Henry
Trulher
J. Curtis Joyner
J. CURTIS JOYNER, J.